IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

BARBARA R. FAWLKES,)
Plaintiff,)) No. 2:13-cv-00046
v.)
) Judge Nixon
CAROLYN W. COLVIN,) Magistrate Judge Griffin
Commissioner of Social Security,)
)
Defendant.)
	ODDED

ORDER

Pending before the Court is Plaintiff Barbara R. Fawlkes's Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("Motion") (Doc. No. 24), filed with a Memorandum in Support (Doc. No. 24-2), an affidavit of Ms. Fawlkes's attorney, David C. Downard (Doc. No. 24-1), and an Assignment of EAJA Fee signed by Ms. Fawlkes (Doc. No. 24-3). Ms. Fawlkes's counsel seeks \$4,843.86 in attorney's fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). (Doc. No. 24 at 1.) Defendant Commissioner of Social Security filed a Response to the Motion, stating she has no objection to Ms. Fawlkes's request. (Doc. No. 25.)

Under the EAJA, a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). Federal Rule of Appellate Procedure 4(a) provides parties sixty days following the entry of a judgment to appeal in civil suits to which a federal officer is a party, after which, the judgment becomes final. *Shalala v. Schaefer*, 509 U.S. 292, 302 (1993). In social security cases, a sentence of remand to the Commissioner by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Id.* at 301.

Here, on February 5, 2014, Defendant filed a Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g), with Remand to Defendant ("Motion for Remand"), requesting the Court enter judgment reversing the ALJ's decision to deny benefits to Ms. Fawlkes and remand the case to Defendant. (Doc. No. 19.) The Court subsequently granted the Motion for Remand on February 13, 2014. (Doc. No. 22.) Ms. Fawlkes filed the instant Motion on March 27, 2014. (Doc. No. 24.) Ms. Fawlkes's attorney requests \$4,843.86 in fees, based on 25.9 hours of work at a rate of \$187.02 per hour. (Doc. No. 24-1 at 3-4.) Defendant does not object to the award. (Doc. No. 25 at 1.)

The Court finds that \$4,843.86 is a reasonable award for the work performed by Ms. Fawlkes's counsel. Accordingly, the Motion (Doc. No. 22) is **GRANTED**.

It is so ORDERED.

Entered this the day of April, 2014.

UNITED STATES DISTRICT COURT